



P.O. Box 629
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May 17, 2013

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 02-33 - Notice of Permissive Detariffing of Wireline Broadband Internet Access Service by Emery Telephone (Study Area Code 502278)

Dear Ms. Dortch:

Pursuant to the Commission's *Wireline Broadband Order*, on behalf of Emery Telephone, we hereby provide notice of its intent to discontinue offering wireline broadband Internet access service ("WBIAS") on a tariffed basis. Effective July 2, 2013, Emery Telephone plans to offer wireline broadband Internet access service on a permissive detariffed, common carriage basis.

Please direct any questions to the undersigned at the address and telephone number above or by email to dwoolsey@emerytelcom.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darren Woolsey', is written over the printed name.

Darren Woolsey

CC: Emery Telcommunication & Video

Notice of Permissive Detariffing of Wireline Broadband Internet Access Service
Effective July 2, 2013

EMERY TELEPHONE
(STUDY AREA 502278)
445 E. SR 29
Orangeville, UT 84537-0629
Phone: 435-748-2223

CC Docket No. 02-33

May 17, 2013

Emery Telephone ("Company") hereby provides notice that it intends to cease offering wireline broadband Internet access service on a tariffed basis under NECA Tariff No. 5. Effective July 2, 2013, the Company will begin offering wireline broadband Internet access service on a Title II, common carriage, permissive detariffed basis pursuant to paragraph 94 of the Federal Communications Commission's Wireline Broadband Order.¹ The geographic areas affected by the change are the Company's Carbon & Emery exchanges where DSL is technically feasible.

Today, this service is provided to one Internet service provider (ISP) customer, Emery Telecommunications & Video. This ISP purchases wireline broadband access service for use as a component in its broadband Internet service sold to residential and business customers. End user service provided will not be affected by discontinuance of the tariffed offering by the Company. As stated in the attached customer notice, the Company will continue to offer services to the existing ISP customers under current rates, terms and conditions until at least the end of the customer's present service arrangement.

Effective July 2, 2013, the Company will make its wireline broadband Internet access service available on a permissive detariffed, common carriage basis through posting of rates, terms and conditions in printed copy and available during normal business hours at the Company's business office located at 445 E SR 29, Orangeville, UT 84537.

¹ See *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, WC Docket No. 05-271, Report and Order and Notice of Proposed Rulemaking, 20 FCC Red 14853 (2005), FCC 05-150 (Rel. September 23, 2005), (Wireline Broadband Order).

CERTIFICATE OF SERVICE

I, Darren Woolsey, do certify that I have, on this 17th day of May, 2013:

1. Served by first class mail a copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Governor Gary Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
PO Box 142220
Salt Lake City, UT 84114-2220

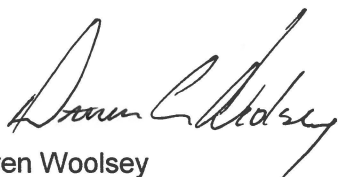
Secretary of Defense
Attn: Special Assistant for Telecommunications
PENTAGON
Washington, DC 20301

Utah Division of Public Utilities
Attn: Telecommunications Division
Heber Wells Building 4th Floor
160 East 300 South
Salt Lake City, UT 845111

Utah Public Service Commission
Heber M Wells Building
160 East 300 South
Salt Lake City, UT 84114

2. Served via a paper copy of the foregoing Notice of Permissive Detariffing of Wireline Broadband Internet Access Service to the following:

Emery Telecommunications & Video
445 E SR 29
Orangeville, UT 84537



Darren Woolsey
CFO
Emery Telecommunications & Video
445 E SR 29
Orangeville, UT 84537



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May 17, 2013

Emery Telecommunications & Video
445 E SR 29
Orangeville, UT 84537

Re: CC Docket 02-33 - Notice of Permissive Detariffing of Wireline Broadband Internet Access
Service by Emery Telephone (Study Area 502278)

Dear Valued Customer:

Our records indicate that Emery Telecommunications & Video is currently purchasing wholesale broadband transport service from Emery Telcom ("Company") under NECA tariff No. 5 ("Tariff"). This letter is to advise you that the Company will discontinue provisioning service on July 2, 2013, pursuant to the Tariff. Services will be made available to you on a common carrier, non-tariffed basis. The existing relevant rates, terms and conditions will not change until at least the end of your present service arrangement.

The rates, terms and conditions will be available in printed copy during normal business hours at the Company's business office located at 445 E SR 29, Orangeville, UT 84537.

The actions described above are taken in accordance with the FCC's Report and Order (FCC 05-150) released September 23, 2005, in Docket No. 02-33. In this order the FCC determined that facilities-based wireline broadband Internet service providers could offer their services on a common carrier, permissively detariffed basis.

No action is necessary on your part. However, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darren Woolsey', is written over a light blue horizontal line.

Darren Woolsey
Chief Financial Officer